

McNamara Declaration

Exhibit 18

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

HACHETTE BOOK GROUP, INC.,
HARPERCOLLINS PUBLISHERS LLC,
JOHN WILEY & SONS, INC., and
PENGUIN RANDOM HOUSE LLC

Plaintiffs,

v.

INTERNET ARCHIVE and DOES 1 through
5, inclusive

Defendants.

Case No. 1:20-CV-04160-JGK

STIPULATION REGARDING UNDISPUTED FACTS

Plaintiffs Hachette Book Group, Inc. (“Hachette”), HarperCollins Publishers LLC (“HarperCollins”), John Wiley & Sons, Inc. (“Wiley”), and Penguin Random House LLC (“PRH”) (together, “Plaintiffs”) and Defendant Internet Archive (“Internet Archive”) (collectively, “Parties”), by and through their respective counsel of record, hereby stipulate as follows:

The following facts are undisputed for purposes of the Parties’ summary judgment motions.

1. The Internet Archive and Open Library of Richmond are both duly organized nonprofit entities that have been designated as 501(c)(3) public charities by the IRS.

2. The Internet Archive or Open Library of Richmond owns at least one lawfully made print copy of each of the 127 Works in Suit.

3. Hachette Book Group, Inc. holds exclusive rights pursuant to 17 U.S.C. § 106, including the right to reproduce (§ 106(1)) and distribute (§ 106(3)), for each of the Works listed on Exhibit A to the Complaint for which Hachette Book Group, Inc. is identified as the publisher.

4. HarperCollins Publishers LLC holds exclusive rights pursuant to 17 U.S.C. § 106, including the right to reproduce (§ 106(1)) and distribute (§ 106(3)), for each of the Works listed on Exhibit A to the Complaint for which HarperCollins Publishers LLC is identified as the publisher.

5. Penguin Random House LLC holds exclusive rights pursuant to 17 U.S.C. § 106, including the right to reproduce (§ 106(1)) and distribute (§ 106(3)), for each of the Works listed on Exhibit A to the Complaint for which Penguin Random House LLC is identified as the publisher.

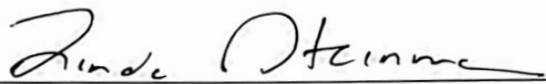
6. John Wiley & Sons, Inc. holds exclusive rights pursuant to 17 U.S.C. § 106, including the right to reproduce (§ 106(1)) and distribute (§ 106(3)), for each of the Works listed on Exhibit A to the Complaint for which John Wiley & Sons, Inc. is identified as the publisher.

7. Each of the 127 Works in Suit was registered with the United States Copyright Office within the time period required to recover statutory damages and attorneys' fees under 17 U.S.C. § 412 with respect to the allegations set forth in the Complaint.

IT IS SO STIPULATED.

Dated: June 10, 2022

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Dated: June 10, 2022

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INTERNET ARCHIVE

CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2022 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

JOSEPH C. GRATZ